IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3693 OF 2005

Dhondiram Vithu Patil & Anr. ...Applicants

Vs.

The State of Maharashtra ...Respondent

Shri.A.P.Mundargi for the Applicants.
Shri.R.M. Gadhvi A.P.P.for the Respondent.

CORAM : A. S. OKA, J.
DATED : JUNE 28, 2005.

P.C.:
1. F.I.R. has been registered against the Applicants and their parents for offences punishable under sections 498-A, 304-B, 323 read with section 34 of the Indian Penal Code. The marriage between the Applicant No.1 and deceased was solemnised in the year 2002.

2. The allegation of the prosecution is that the Applicants and their parents have been consistently make demand with the deceased for sum of Rs.50,000/-. The allegation is that the deceased was all along harassed for not complying the said demand. The allegation of the prosecution is that the deceased was found dead with 100 per cent burn injuries on 9th October, 2004. The deceased Sangeeta was found lying in a lane near her matrimonial house.

3. The learned Counsel appearing for the Applicants submitted that the statements of the witnesses who have implicated the Applicants have been recorded long time after the date of the incident. He submitted that in so far as the Applicant No.2 is concerned, there is no material against him. The Applicant NO.2 is the brother-in-law of the deceased.

4.The learned A.P.P. has placed on record the statements of witnesses and other documents which were filed under section 173 of the Code of Criminal Procedure. The statements of the neighbours are recorded which disclose that on the date of incident i.e. on 9th October, 2004 in the morning the Applicants were seen assaulting the deceased Sangeeta. On the very day a completely charred body of the deceased Sangeeta was found in the lane adjoining the house of the Applicants. The statements of the witnesses disclose that the deceased Sangeeta was being harassed by the Applicants and their parents.

5. It was pointed out that the parents of the Applicants have been enlarged on bail. That is no ground to grant relief in favour of the Applicants as a specific role has been ascribed to the Applicants. There are witnesses who have stated that the

Applicants were seen assaulting the deceased on very day on which the dead body of the deceased was found.

6. There is enough material on record to show the complicity of the Applicants. Considering the gravity of allegations and considering the fact that on the day on which it is alleged that the Applicants assaulted the deceased, a completely charred dead body of the deceased was found at place which is close to the matrimonial home of the deceased, this is not the case where the Appliants can be enlarged on bail.

7. Hence, the Application is rejected. If a Fast Track Court is available at Kolhapur, liberty to the Applicants to apply to the learned Sessions Judge for assigning the case to the Fast Track Court for speedy disposal considering the fact that both the Applicants are relatively young.

JUDGE